HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 5309 of 2006

20-07-2006

Between:

R.Mohan Rao s/o Veeraiah, 36 years, Licensee of M/s Timber Estate S.No.102, N.H.7 Road, Old Bowenpalli, Secunderabad.

..... PETITIONER

AND

1 State ofAndhra Pradesh, rep. By its Chief Secretary, Administration Department, Secretariat Buildings, Hyderabad. And three others.

.....RESPONDENTS

HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO.5309 of 2006

O R D E R:

This writ petition is filed questioning the proceedings in Rc.No.3052/2003/S14 dated 12.01.2006 passed by the 3rd respondent-Divisional Forest Officer, Hyderabad cancelling the licence granted to the petitioner under amended Rule 4 of A.P. Saw Mill (Regulation) Rules 1969.

It is the case of the petitioner that the saw-mill license granted to him under the provisions of the A.P. Saw Mill (Regulation) Rules 1969 was cancelled by the impugned order on the ground that the same is contrary to the order dated 16-11-2002 passed by the Hon'ble Supreme Court in W.P.No.202 of 1995, wherein it was held as under:

> " No State or Union Territory shall permit any unlicensed saw-mills, veneer, plywood industry to operate and they are directed to close all such unlicensed unit forthwith. No State Government or Union Territory will permit the opening of any saw-mills, veneer or plywood industry without prior permission of the Central Empowered Committee. The Chief Secretary of each State will ensure strict compliance of this direction. There shall be no relaxation of rules with regard to the grant of licence without previous concurrent of the Central Empowered Committee".

In the instant case, the petitioner was initially granted saw-mill licence on 06-05-2003, and the same was renewed upto 31-12-2006. In view of the restrictions imposed by the Supreme Court for grant of new licenses, prior permission of the Central Empowered Committee, constituted under the provisions of Sub-Section (3) of Section 3 of the Environment (Protection) Act, 1986, by notification dated 17.09.2002 is required.

Now it is to be seen that in the order passed by the Hon'ble Supreme Court referred to supra, there are no absolute restrictions in granting licence either for saw- mills or for veneer plywood industries. The Hon'ble Supreme Court issued directions to various States and state authorities not to grant licence till approval is accorded by the Central Empowered Committee constituted by the Ministry of Environment.

In that view of the matter, I deem it appropriate to dispose of the writ petition permitting the petitioner to make a representation to the licensing authority i.e. 3rd respondent- Divisional Forest Officer, Hyderabad, seeking concurrence from the Central Empowered Committee within a period of two weeks from today. On filing of such a representation, the 3rd respondent-Divisional Forest Officer is directed to refer the same to the Central Empowered Committee, constituted as per the order passed by the Supreme Court. On such reference being made and

approved, the 3rd respondent-Divisional Forest Officer, shall reconsider the request of the petitioner for renew of his licence basing on the original licence No.996.

Subject to the above directions, the writ petition is disposed of. No costs.

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20-07-2006

Note: CC in one week.

B/o Mjl/*